

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 15TH DAY OF DECEMBER 2008 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Kevin Byrd	-Comprehensive Planner
	Angie Hill	-Financial & Management Service Director
	Marc Magruder	-Budget Manager
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
 1. Montgomery County Government Center
 2. Courthouse Property
 3. Prices Fork Elementary School Site
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 1. Joinder Study

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Parks & Recreation Commission
2. Planning Commission
3. Towing Advisory Board
4. Workforce Investment Board
5. Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Doug Marrs
William H. Brown
Gary D. Creed
John A. Muffo
James D. Politis
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A Moment of Silence was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATIONS

2007 Virginia Law Enforcement Challenge Award

Don Allen, Virginia Chiefs of Police Association, and Steve Goodwin, Department of Motor Vehicle Highway Safety Office, presented the 2007 Virginia Law Enforcement Challenge Award to the Montgomery County Sheriff's Office. Sheriff Tommy Whitt accepted the award on behalf of the Sheriff's Department.

The Sheriff's Office won first place in Virginia in the Sheriff's category of 76-125 deputies. The Law Enforcement Challenge Award recognizes and rewards the best overall traffic safety programs in Virginia and the United States.

Virginia Law Enforcement Professional Standards Commission – Reaccreditation Award

Chief Gary Roche, Town of Pulaski Police Department, on behalf of the Virginal Law Enforcement Professional Standards Commission presented the Montgomery County Sheriff's Office with a certificate of reaccreditation. Sheriff Tommy Whitt accepted the award.

The Montgomery County Sheriff's Office was initially accredited in 1999 and was reaccredited in 2004. The accreditation process requires that law enforcement agencies meet 187 required standards for professionalism for law enforcement officers.

PUBLIC HEARINGS

Boundary Line Adjustment – Town of Christiansburg

Boundary Line Adjustment Agreement with the Town of Christiansburg, providing for the adjustment of the boundary of the Town of Christiansburg's corporate limits to include approximately 153.375 acres of land located at the southwest boundary of the Town of Christiansburg adjacent to Buffalo Drive and Mud Pike Road commonly known as the former Harkrader Property, the Christiansburg Middle School Property and the Harkrader Sports Complex Property.

The County Attorney described said request for a boundary line adjustment with the Town of Christiansburg. A request was made by F&B Land, LP, owner of the property, formerly known as the Harkrader Property, to be incorporated into the Town of Christiansburg. Other property to be included in the boundary adjustment is the Christiansburg Middle School property and the Harkrader Sports Complex property. A total of 153.375 acres is being considered to be added to the Town of Christiansburg's corporate limits. On October 9, 2006, the Board of Supervisors approved the rezoning of 63 acres from Agriculture to Planned Unit Development- Residential (PUD-RES) with conditions.

Robert Fralin, F&B Land, LP, was available to answer any questions the Board may have on their request.

Michael Miller, adjacent property owner, expressed concerns with the proposed boundary adjustment and how it would affect the proffers within the Board of Supervisors' ordinance controlling the housing development. Mr. Miller believes once the property is added to the Town's corporate limits, the developer would have the option to petition the Town Council to change the conditions. He would like to see the original conditions maintained in order to protect the neighborhood.

The County Attorney commented that the Town of Christiansburg has verbally agreed to honor all conditions listed on the October 9, 2006 Ordinance.

Wes Atkinson expressed concerns with the proposed boundary line adjustment. He asked what the County will be getting out of the agreement and believes that the County will only be losing more land. He understands why the Town of Christiansburg is a willing party as they will see an increase in their tax base.

The County Attorney commented that one advantage to the boundary line adjustment is that the Christiansburg Middle School will be located in the corporate limits of the Town of Christiansburg and the Town will be responsible for the cost of the School Resource Officer, saving the County the cost of one officer.

Tacy Newall-Foutz stated she is not that familiar with the agreement but her main concern is traffic along Moose Drive, Buffalo Drive, and College Street. She expressed concern with the lack of sidewalks as there are a lot of pedestrians who walk along these streets. Ms. Newall-Foutz expressed concern that there is no safe place along the road for children to walk to school and is concerned with growth and no improvements to these roads. She asked that this issue be addressed.

Steve Semones, Balzer and Associates, responded to concerns voiced by speakers on the proposed boundary line adjustment. Mr. Semones stated the master plan for the development includes improvements to the roads to the Harkrader Sports Complex and Christiansburg Middle School. Pedestrian walking trails will be constructed and a sidewalk will be installed along the south side of Buffalo Drive between Moose Drive and College Street. A paved pedestrian connection to the Middle School will be constructed after the development of 60 houses.

There being no further speakers, the public hearing was closed.

An Ordinance – Amending Chapter 10, Entitled Zoning, Section 10-61

An Ordinance Amending Chapter 10 Entitled Zoning, Section 10-61, Definitions, of The Code of The County of Montgomery By Amending The Definitions For Home Business and Home Occupation by Allowing Such Activity in the Dwelling and in the Accessory Structures and by adding Boarding House and Transition House as defined words, terms or phrases in the Zoning Ordinance.

An Ordinance Amending Chapter 10 Entitled Zoning, Section 10-28 and 10-29

An ordinance amending Chapter 10 entitled Zoning, Section 10-28, General Business (GB), and Section 10-29, Community Business (CB) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted by right in the General Business and Community Business Districts.

An Ordinance Amending Chapter 10 Entitled Zoning, Section 10-21 and Section 10-24 through 10-27
An ordinance amending Chapter 10 entitled Zoning, Section 10-21, Agriculture District (A1), Section 10-24, Residential District (R-1), Section 10-25, Residential District (R-2), Section 10-26, Residential District (R-3) and Section 10-27, Multiple Family Residential District (RM-1) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted with a special use permit in the Agriculture District (A-1), Residential District (R-1), Residential District (R-2), Residential District (R-3) and the Multiple Family Residential District (RM-1).

Kevin Byrd, Comprehensive Planner, described the three zoning amendments listed above. The proposed amendments include the following:

- Adding a definition for Boarding House
 - Permitting Boarding House as a by-right in General Business (GB) and Community Business (CB)
 - Permitting Boarding House by Special Use Permit in Agriculture (A-1), Residential (R-1), Residential (R-2), Residential (R-3), and Multiple-Family Residential (RM-1).
- Adding definition for Transition House
 - Permitting Transition House as a by-right use in General Business (GB) and Community Business (CB)
 - Permitting Transition House by Special Use Permit in Agriculture (A-1), Residential (R-1), Residential (R-2), Residential (R-3), and Multiple-Family Residential (RM-1).
- Modifying the definition of Home Business
- Modifying the definition of Home Occupation

Supervisor Creed believes that transition housing and boarding houses should not be allowed by right in General Business and Community Business. This type of housing should be allowed by Special Use Permits only in all districts. He believes this will give more control over where boarding/transition housing is to be located.

Richard Myers commented that citizens should have a say where group or transition housing is to be located. He would not want a transition home in his neighborhood.

Wes Atkinson reminded Board members that sex offenders are to be registered in the community in which they live, homeless or not.

There being no further speakers, the public hearing was closed.

An Ordinance amending Chapter 10 entitled Zoning, Section 10-35

An Ordinance amending Chapter 10 entitled Zoning, Section 10-35 PUD-RES Planned Unit Development-Residential District of the Code of the County of Montgomery, Virginia, by reducing the minimum required acreage to qualify for inclusion in the PUD-RES Planned Unit Development-Residential District from 50 acres to 10 acres for lands designated in the urban expansion area and from 20 acres to 5 acres for lands designated in the village or village expansion area.

Kevin Byrd, Comprehensive Planner, described the proposed changes to the ordinance. The changes modifies the minimum acres for qualifying lands in Planned Unit Development-Residential (PUD-RES). This will help encourage development in areas of the County designated for higher density housing.

There being no speakers, the public hearing was closed.

Special Use Permit – Roland S. Wright, Jr. and Mary H. Wright

A request by Roland S. Wright, Jr. & Mary H. Wright for a Special Use Permit (SUP) on approximately 0.511 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide). The property is located at 3850 Poppy Lane, and is identified as Tax Parcel No(s). 127-8-7B (Acct No. 140688, in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Kevin Byrd, Comprehensive Planner, provided a brief summary of the above request. The applicant is requesting a Special Use Permit in order to allow doublewide manufactured homes to be placed in a Residential (R-3) zoning district. Four of the five adjoining parcels in the subdivision contain stick built dwellings and one parcel contains a double-wide manufactured home.

At their December 10, 2008 meeting, the Planning Commission recommended approval of the Special Use Permit with six conditions.

Charles Hodges, agent, reported that all proffers as recommended by the Planning Commission will be met. He requested that proffer #6 requiring the roof of the structure shall meet a roof pitch ratio of 5:12 be amended to meet a roof pitch ratio of 4:12. This change will keep the roof pitch uniform with the surrounding houses.

Supervisor Creed commented that a 4:12 roof pitch is more ideal and is better than a 5:12 pitch. Most contractors use a 4:12 roof pitch.

Mary Wright, applicant, addressed the Board regarding their request. Ms. Wright believes the request will be a good fit for the neighborhood. She knows that neighbors have concerns when they hear a doublewide will be set up in their neighborhood but they will be providing exterior features that are uniform with the surrounding neighbors. Ms. Wright also provided estimated property values in the area, which is in comparison to the property value of the proposed doublewide.

There being no further speakers, the public hearing was closed.

Special Use Permit – Riverbend Water Company – Home Business

A request by Riverbend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow a home business. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a summary of Riverbend Water Company's request for Special Use Permit for a home business. The applicant desires to use a portion of his residential home for an office for his construction business. The in-home office will be utilized for business meetings and a bookkeeper. There will be no more than 2 outside employees employed out of the home. Staff suggested conditions to limit type of activity and stipulated that a contractor's storage yard will not be allowed on the property.

At their December 10, 2008 meeting, the Planning Commission recommended approval of the Special Use Permit with four conditions.

There being no speakers, the public hearing was closed.

Special Use Permit – Riverbend Water Company- Accessory Building

A request by Riverbend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow an accessory structure greater than 1,200 square feet in area and 18 feet in height. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a summary of Riverbend Water Company's request for Special Use Permit for an accessory building more than 1,200 sq. ft. Ms. Jenkins explained the applicant desires to construct a 2,800 sq. ft. garage on four acres of land. The garage will be a "barn like" building to fit well with surrounding properties.

At their December 10, 2008 meeting, the Planning Commission recommended approval of the Special Use Permit with nine conditions.

There being no speakers the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

ADDENDUM

On a motion by William H. Brown, seconded by Mary W. Biggs the following Addendum dated December 15, 2008 was added to the agenda:

Consent Agenda: AEP Request for Right-of-Way Easement – Montgomery County Sheriff's Office New Shooting Range – Den Hill Road

New Business: A Resolution Approving the Amendment to the Purchasing Agreement between Roger W. Woody, Roger W. Woody, T/A Showcase Homebuilders, and Montgomery County, Va.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	

CONSENT AGENDA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated December 15, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

Approval of Minutes

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated October 14, 2008 were approved.

R-FY-09-66 SCHEDULE PUBLIC HEARING 2009 GYPSY MOTH SUPPRESSION PROGRAM

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby schedule a public hearing on **January 12, 2009** at 7:15 p.m., or as soon thereafter, in the Board of Supervisors' Chambers, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

The Current Gypsy Moth situation in Montgomery County; the proposal submitted to the Virginia Department of Agriculture and Consumer Services (VDACS) for 2009 suppression actions; and to identify public concerns.

**A-FY-09-49
MOUNTAIN VALLEY CHARITABLE FOUNDATION
TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$5,500)
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TO:

910	Mountain Valley Charitable Foundation	\$5,500
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Said resolution transfers appropriated funds from General Contingencies to Mountain Valley Charitable Foundation to provide funds for a transportation pilot project in Eastern Montgomery County.

**A-FY-09-50
SHERIFF
PROJECT LIFESAVER FUNDS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

321	Sheriff – Grants	\$200
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	Project Lifesaver	\$200
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Said resolution appropriates project lifesaver funds for use by the Sheriff's department.

**A-FY-09-51
SHERIFF
FEDERAL CONFISCATIONS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

320	Sheriff	\$56,995
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424404	Federal Confiscations	\$56,995
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Said resolution appropriates monies received from federal confiscations, issued by the US Marshall Service.

A-FY-09-52
SCHOOL OPERATING FUND
TRIGON STOCK PROCEEDS

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

640000 Operations and Maintenance	\$38,158
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

451205 Designated Fund Balance – Trigon Stock	\$38,158
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Said resolution appropriates the fund balance that remains from the proceeds from the sale of Trigon stock and to be used for one-time capital improvement projects.

A-FY-09-53
MONTGOMERY COUNTY CHAMBER OF COMMERCE
TRANSIENT OCCUPANCY TAX

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

910 Montgomery County Chamber of Commerce	\$7,219
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02-412902 Transient Occupancy Tax	\$7,219
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Said resolution appropriates funds received from the increased 1% of transient occupancy tax. These funds will be remitted to the Montgomery County Chamber of Commerce for tourism.

R-FY-09-67
APPOINTMENT
NEW RIVER VALLEY ECONOMIC DEVELOPMENT ALLIANCE

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **James A. Mattox** as Montgomery County's at-large (private sector) representative to the New River Valley Economic Development Alliance effective January 1, 2009 and expiring December 31, 2009.

R-FY-09-68
APPOINTMENT
ECONOMIC DEVELOPMENT
COMMISSION (MONTGOMERY REGIONAL)
(New River Community College representative)

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Angie Covey** as New River Community College's representative to the Montgomery Regional Economic Development Commission effective January 1, 2009 and expiring December 31, 2011.

R-FY-09-69
BOARD OF ZONING APPEALS
RECOMMENDATION FOR RE-APPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge, the reappointment of **Michael V. Reilly** to the **Board of Zoning Appeals** effective December 16, 2008 and expiring December 15, 2013.

R-FY-09-70
DEPUTY ANIMAL CONTROL OFFICER
APPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that pursuant to Section 3-26 of the Code of the County of Montgomery, Virginia Eileen M. Pittman is hereby appointed Deputy Animal Control Officer for Montgomery County, effective January 1, 2009.

BE IT FURTHER RESOLVED, That the employment of Eileen M. Pittman as Deputy Animal Control Officer shall be under the same terms and conditions as all other County employees under the supervision of the County Administrator.

R-FY-09-75
AMERICAN ELECTRIC POWER REQUEST
FOR RIGHT-OF-WAY EASEMENT
MONTGOMERY COUNTY SHERIFF'S NEW SHOOTING RANGE
LOCATED ON DEN HILL ROAD

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a right-of-way easement across property owned by Montgomery County located at 2366 Den Hill Road, Christiansburg, Virginia identified as Tax Parcel # 081-A14 to provide electrical service to the new shooting range, known as the "Den Hill Shooting Range", for the Montgomery County Sheriff's Office.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes an Addendum to the Virginia Department of Transportation Highway Permit No. 211-2415 to allow American Electric Power to install a portion of the overhead and underground extension on a portion of Virginia Department of Transportation limited access right of way under project # SMART-060-101,RW205.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to American Electric Power and the Addendum to the Virginia Department of Transportation Highway Permit No. 211-2415 on behalf of the Board of Supervisors.

OLD BUSINESS

**ORD-FY-09-10
AN ORDINANCE AMENDING CHAPTER 2, DIVISION 5
ENTITLED TAX EXEMPTIONS AND DEFERRALS
FOR ELDERLY AND HANDICAPPED,
SECTION 2-107 OF THE CODE OF THE
COUNTY OF MONTGOMERY, VIRGINIA
BY INCREASING THE INCOME ELIGIBILITY LIMITS
FOR EXEMPTION FROM OR DEFERRAL
OF TAXATION OF REAL ESTATE
FOR THE ELDERLY AND DISABLED**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 2-107. Established; restrictions and conditions.

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, section 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

(1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~thirty thousand dollars (\$30,000.00)~~ thirty-five thousand (\$35,000) provided that the first ten thousand dollars (\$10,000.00) of income of each relative other than the spouse of the owner who is living in the dwelling and the first ten thousand dollars (\$10,000.00) of income for an owner who is permanently disabled shall not be included in such total.

(2) That the net combined financial worth, including the present value of all equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and furnishings in the dwelling including furniture, household appliances and other items typically used in a home and the land, not exceeding one (1) acre, upon which it is situated does not exceed One Hundred Thousand Dollars (\$100,000).

(3) That the person or persons claiming such exemption files annually no later than the first day of March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S.C. § 4-23(d) by the Social Security Administration so long as the person remains eligible for such Social Security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant

to the standards for determining permanent and total disability as defined in subsection (e). Such certification, written statement, or affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first time applicants. The commissioner of the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the thirty-first day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section including, qualifications as permanently and totally disabled as defined in subsection (e) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling. The commissioner of the revenue of the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

<i>Annual Income (Calendar Year)</i>	<i>For Qualified Persons the Percentage of Tax Which May Be Exempted</i>
\$ 0.00- \$19,200 <u>\$22,400</u>	100%
\$19,201-\$24,000 <u>\$22,401 – \$28,000</u>	60%
\$ 24,001-\$30,000 <u>\$28,001 – \$35,000</u>	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within the limits and conditions provided in subsections (a) and (b) of this section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

This change in income limits shall be effective for the 2009 tax year and beyond unless amended.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

R-FY-09-71
VDOT'S PROPOSED ACCESS
MANAGEMENT REGULATIONS

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Virginia Department of Transportation (VDoT) has proposed regulations and standards to manage the location, number, spacing and design of entrances, intersections, median openings, turn lanes, and traffic signals on VDoT controlled minor arterials, collectors, and local streets; and

WHEREAS, These regulations would apply to entrances and exits for commercial, industrial and residential developments but would not affect private driveway entrances from state highways to individual residences; and

WHEREAS, A presentation was made to the Board of Supervisors on November 24, 2008 and VDoT invited questions and comments from the Board concerning the proposed access management regulations.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby submits the following questions concerning the administration of the proposed regulations:

1. What will process be for eliminating “excess” entrances at existing sites and businesses? Will VDOT begin closing them after October 2009?
2. Is VDOT going to require the cross parcel connections? Will VDOT review documents such as plat, site plan and lease/deed to ensure language is appropriate to guarantee connection?
3. Will VDOT be proactively removing crossovers that do not meet new criteria after October 2009?
4. Does VDOT have time limits to respond to requests for entrance permits?
5. What defines “Urban Area”?
6. If a locality has an existing corridor plan with different spacing requirements or is considering developing a new corridor plan, does VDOT need to approve? If so, what is process for obtaining the approval of VDOT?
7. How will VDOT handle spacing issues near Town/County boundaries since Towns are not subject to the same requirements?
8. How will VDOT coordinate reviews and approvals of projects that may involve Chapter 527 review, Access Management and subdivision street review? Will the local VDOT residency have the staff to review and comment on all these regulations? Will the review be coordinated?

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

NEW BUSINESS

R-FY-09-72
RESOLUTION DESIGNATING THE PROPERTY
AT FOREST HILLS AT BELVIEW A REVITALIZATION AREA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Forest Hills at Belview, Limited Partnership (hereinafter referred to as “the Owner”) owns property designated as Tax Map Parcels 064-A-42, 064-A-42A and 064-A-41E (together referred to as “the Property”) along Route 114 in the Belview area of Montgomery County, Virginia; and

WHEREAS, The Owner intends to develop a single family attached affordable housing development project on the Property using the Tax Credit Program with the Virginia Housing Development Authority (VHDA); and

WHEREAS, The Property is located within the Belview Village in the Montgomery County 2025 Comprehensive Plan and encourages the development of affordable housing opportunities that are affordable to a wide range of individuals and families, including seniors; and

WHEREAS, The Owner has requested the County of Montgomery to designate the Property a revitalization area in order to assist the Owner in its application to Virginia Housing Development Authority seeking Tax Credit approval; and

WHEREAS, The Board of Supervisors has determined that the Owner’s proposed affordable housing development project will provide an economic benefit to the area by revitalizing the existing affordable housing and by providing additional affordable housing on the Property which is needed to induce community development in the area and that private enterprise and investment are not reasonably expected without assistance from the Virginia Housing Development Authority to produce the construction of decent, safe sanitary housing that will meet the affordable housing needs in the area.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby designates the Property that encompasses the Forest Hills at Belview affordable housing project designated more particularly as Tax Map Parcels 064-A-42, 064-A-42A and 064-A-41E as a revitalization area for the sole purpose of enabling the Owner to qualify for points when applying for tax credit financing approval under the Virginia Housing Development tax credit application.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
William H. Brown	
Annette S. Perkins	

R-FY-09-73
REQUEST TO VDOT TO NOT REMOVE
PROJECTS ALREADY IN THE FY 2009-2014
SIX-YEAR IMPROVEMENT PROGRAM
FOR INTERSTATE AND PRIMARY ROADS

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The current Six-Year Improvement Program for Interstate and Primary Roads includes a project to add additional lanes on I-81 between Exit 128 and Exit 118 in Montgomery County; and

WHEREAS, The current Six-Year Improvement Program for Interstate and Primary Roads also includes a project to replace the west bound bridge on U.S. Route 114; and

WHEREAS, Due to reductions in state transportation revenues, the Commonwealth Transportation Board plans to revise the FY 2009-2014 Six-Year Improvement Program in January 2009.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County hereby respectfully requests that the critically needed projects listed above not be removed from the FY 2009-2014 Six-Year Improvement Plan for Interstate and Primary Roads.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Gary D. Creed	
John A. Muffo	
Doug Marrs	
William H. Brown	
James D. Politis	
Annette S. Perkins	

A-FY-09-54
APPROPRIATION OF BOND INTEREST
AND AUTHORIZATION OF FUNDING FOR
AUBURN SCHOOL PROJECT

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

6622	BHS Athletic Stadium	\$462,879
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
415102	Interest Income
	\$462,879

BE IT FURTHER RESOLVED, That a transfer between projects is granted for the function and in the amount as follows:

<u>FROM:</u>	
6622	BHS Athletic Stadium
	(\$300,000)
<u>TO:</u>	
6619	Auburn Strand Project
	\$300,000

Said resolution appropriates interest earned on athletic field bond proceeds to the BHS Athletic Stadium and transfers funds appropriated from the 2008 bond issuance from the BHS Athletic Stadium to the Auburn School project.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Doug Marrs	
William H. Brown	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	

R-FY-09-74
A RESOLUTION APPROVING THE
AMENDMENT TO THE PURCHASING AGREEMENT
BETWEEN ROGER W. WOODY, ROGER W. WOODY, T/A SHOWCASE
HOMEBUILDERS AND MONTGOMERY COUNTY, VA

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

WHEREAS, On June 18, 2008, the County, Roger W. Woody, and Roger W. Woody T/A Showcase Homebuilders (Seller) entered into a Purchase Agreement whereby the County agreed to purchase, subject to certain conditions, two lots located on Roanoke Street identified as 9 Roanoke Street and 11 Roanoke Street in the Town of Christiansburg; and

WHEREAS, The County desires to amend the Purchase Agreement by making the seller the responsible party under DEQ Pollution Complaint # 98-1041.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approve the Amendment to the Purchase Agreement dated June 18, 2008 with Roger W. Woody and Roger W. Woody T/A Showcase Homebuilders and authorizes Annette S. Perkins to execute the said Amendment on behalf of the County of Montgomery, as Chair.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Financial Status
2. Land Use Map Amendments

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
William H. Brown	
Mary W. Biggs	
James D. Politis	
Gary D. Creed	
Annette S. Perkins	

Montgomery County's Financial Status

Carol Edmonds, Assistant County Administrator, made a presentation on the County's financial status. The FY 09 budget includes \$156.5 million in revenue, which includes \$72 million (46%) from state funds. Approximately \$57.7 million of the state funds supports the Schools, \$6.1 million supports Constitutional Officers, and \$6.4 million supports the Department of Social Services and Community Services Act (CSA). The other revenue includes property taxes, sales taxes and other local taxes and fees.

Ms. Edmonds reviewed how the state budget reductions could affect the County. In FY 10, the state revenues to the County will be reduced by \$363,117. Revenues to localities from ABC profits and Wine Taxes have been reduced over the years and are now eliminated. The Governor's budget will be released December 17, 2009 and any additional cuts will be known then. The percentage cuts would be in addition to the known reductions. The impact on schools for state reductions in FY 10 is not known and additional impacts to the Library and Department of Social Services is not known. A chart outlining additional cuts to the Constitutional Offices is shown below:

What if –its 5%/ 10%/ 15%

Department	FY 10 Estimate	5%	10%	15%
Sheriff Total	\$4,586,320	(\$229,316)	(\$458,632)	(\$687,948)
Commonwealth Attorney Total	\$650,589	(\$32,529)	(\$65,059)	(\$97,588)
Clerk of Court Total	\$379,816	(\$18,991)	(\$37,982)	(\$56,972)
Treasurer Total	\$224,200	(\$11,210)	(\$22,420)	(\$33,630)
Commissioner of Rev. Total	\$226,345	(\$11,317)	(\$22,635)	(\$33,952)
Grand Total		(\$303,364)	(\$606,727)	(\$910,091)

In conclusion, revenue estimates for FY 09, under the County's control, are not projecting significant shortfalls. There has been an impact on the amount of growth in some revenue categories; however, estimates were set in the FY 09 budget anticipating a slowing of the economy. The most significant impact known is from state funding reductions. Staff will keep updating the financial status as information becomes available from the State.

Land Use Map Amendments

Steve Sandy, Planning Director, reported that Planning staff is currently working on updating the land use maps for the County's village plans. The land use map for the Prices Fork Village, Riner Village, and Elliston/Lafayette/Ironto are not consistent with all the other maps. They need to conform all maps to be the same. Amending the maps does not change the Village Plans. Mr. Sandy recommended holding public hearings in January 2009 to amend the land use maps.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
William H. Brown	
Mary W. Biggs	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

COUNTY ADMINISTRATOR'S REPORT

Inmate Clean-up Report: Due to inclement weather this month the inmates have not been out as scheduled. On December 5, 2008 the road crew picked up litter along Route 11 from Fire Tower Road to Radford City limits, Rock Road from Route 11 to Tyler Road. A total of 1,240 pounds of trash was collected.

BOARD MEMBERS' REPORTS

Supervisor Brown expressed his appreciation to everyone who helped and supported him during his first year serving as a Supervisor to Montgomery County. He expressed appreciation to the County Administrator and his staff and other county offices. He wished everyone Happy Holidays.

Supervisor Marrs also expressed his appreciation to the County Administrator and staff. He acknowledged the Sheriff's Office hard work to achieve accreditation and earning awards.

Supervisor Biggs also expressed her appreciation to the County Administrator and staff.

League of Women Voters held a breakfast meeting with the Board of Supervisors on December 8, 2008, which was well attended.

In Remembrance – John Simon – Supervisor Biggs reported that John Simon with Simon & Associates passed away. Mr. Simon worked with the County over the years and will be missed. Supervisors Biggs expressed her condolences to his family.

Supervisor Politis thanked the Board for their vote in electing him Vice-Chair for the upcoming year. He is looking forward to working with them in 2009.

Supervisor Muffo also expressed his appreciation to the staff of Montgomery County. He also acknowledged the Sheriff's Office for their hard work in getting re- accredited. He believes the Sheriff's Office goes above and beyond to serve the citizens of Montgomery County.

Supervisor Creed also expressed his appreciation to all County staff.

New Ridge Road: Supervisor Creed submitted the following letter he received concerning New Ridge Road and asked that it be forwarded to VDOT:

Gary D Creed

From: Peggy Evans [pevans51@verizon.net]
Sent: Thursday, December 11, 2008 6:27 PM
To: garycreed@naxs.net
Subject: New Ridge Road area

Mr. Creed,

I live on New Ridge Road, - in the development called The Ridges, right off North Fork Road. We moved here 3 years ago, this December. It is a lovely area - many homes, a quiet and peaceful area.

When we moved here - we had paved roads - over the past three years, with construction an ongoing fact - the roads, which are suppose to be maintained by VDOT, became hazardous. Many ruts, hard on our cars and dangerous for walking or biking. After many calls to VDOT we were all so pleased to learn they were finally going to maintain this road and fix it.

On November 5, 2008 the equipment rolled in and the situation has gone downhill since then. We now have an unpaved road, we are dealing with mud and a crew that has been here maybe a total of 8 days since November 5th. I have called repeatedly to VDOT and spoken to Chris and Greg regarding the mud issue and was told we would be taken care of as best they could considering the early winter and their budget and I was not assured that come spring our road would be repaved. So...here we are with a worse situation than before and what recourse do we have? You are it.

I am asking you to come out here - see the mess we are in and give us an answer as to what can be done.

Thank you in advance for your help with this situation.

Peggy Evans
2865 New Ridge Road
Elliston, Virginia 24087

Cat Issues: Supervisor Creed asked for a status report on how the County is proceeding with the cat issue in Montgomery County. The County Administrator replied that the RFP to hire a consulting firm has been accepted. A full report will be provided to the Board in January 2009.

Animal Control Complaint: Supervisor Creed reported he received an e-mail with a complaint regarding customer service in the Animal Control Department. He believes that the Animal Control Officers needs additional training on how they respond to certain situations.

Supervisor Perkins also expressed her appreciation to the employees of the County. There is a lot of everyday, behind -the- scene activity that you don't see.

Supervisor Perkins expressed her appreciation to the Board for electing her Chair to the Board of Supervisors for 2009. She takes serving as a Board member for the citizens of the County very serious. She wishes all employees and their families and the citizens of the County a blessed Holiday.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, January 12, 2009 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Annette S. Perkins	

The meeting adjourned at 9:50 p.m.

APPROVED: _____ ATTEST: _____
Annette S. Perkins B. Clayton Goodman, III
Chair, Board of Supervisors County Administrator